

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE FILING OF SEVEN (7) SPECIAL) CASE NO.
INDUSTRIAL CONTRACTS BY ATMOS) 2016-00052
ENERGY CORPORATION)

ORDER

On December 16, 2015, January 11, 2016 and January 19, 2016, Atmos Energy Corporation ("Atmos") filed a total of seven petitions ("Petitions"), pursuant to KRS 278.160(3) and 807 KAR 5:001(13), requesting that the Commission grant confidential protection for an indefinite period for certain information relating to special contracts ("Service Agreements") under which Atmos intended to provide large-volume natural gas service to certain of its industrial customers at specified, non-tariffed rates. The initial five Service Agreements were submitted by Atmos on December 16, 2015, through the Commission's electronic Tariff Filing System ("TFS").¹ Additional Service Agreements were submitted by Atmos through the Commission's TFS on January 11, 2016,² and on January 19, 2016.³ On January 29, 2016, the Commission opened this proceeding to investigate the reasonableness of these Service Agreements.

¹ TFS 2015-00781 (filed Dec. 15, 2015), TFS 2015-00782 (filed Dec. 15, 2015), TFS 2015-00783 (filed Dec. 15, 2015), TFS 2015-00784 (filed Dec. 15, 2015), and TFS 2015-00785 (filed Dec. 15, 2015).

² TFS 2016-00012 (filed Jan. 11, 2016).

³ TFS 2016-00019 (filed Jan. 19, 2016).

In support of its Petitions requesting confidential protection, Atmos states that the designated material includes information contained in Service Agreements with seven of its industrial customers, as well as information contained in a cost analysis of each agreement, to determine whether the anticipated revenue from each customer will cover all variable costs incurred in serving this customer and will also contribute toward Atmos's fixed costs. Atmos asserts that disclosure of the designated material contained in the Service Agreements and in the cost analysis of each, if publicly disclosed, could cause substantial competitive harm to Atmos. Atmos states that this information is not publicly available, is not generally disclosed to non-management employees of Atmos, and is protected by Atmos as proprietary information.

Having considered the Petitions and the material at issue, the Commission finds that the designated material is generally recognized as confidential or proprietary information which, if openly disclosed, could permit an unfair commercial advantage to competitors of Atmos, and thus is exempt from public disclosure pursuant to KRS 278.160(3), KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Atmos's seven Petitions filed on December 16, 2015, January 11, 2016, and January 19, 2016, for confidential protection for designated material contained in seven Service Agreements and the cost analysis related to each of these agreements, are granted.

2. The designated material set forth in the seven Service Agreements and the cost analysis related to each agreement shall not be placed in the public record or made available for public inspection indefinitely, or until further Orders of the Commission.

3. Use of the designated material in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

4. Atmos shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential protection.

5. If a non-party to this proceeding requests to inspect material granted confidential protection by this Order and the period during which the material has been granted confidential protection has not expired, then Atmos shall have 20 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878(1)(c). If Atmos is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material available for inspection for 20 days following an Order finding that the material no longer qualifies for confidential protection in order to allow Atmos to seek a remedy afforded by law.

By the Commission

ENTERED
JUL 27 2017
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Acting Executive Director

Case No. 2016-00052

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